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Date July 20, 2001

To Group - 2663 - Examiner Boakye

Of United States Patent and Trademark Office

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From David J. Cushing

Subject FILING OF RESPONSE TO ADVISORY ACTION

Our Ref Q46923 Your Ref 08/941,236

Pages 4
(including cover sheet)

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FILING RECEIPT
PLEASE DATE STAMP AND RETURN TO US - BOX 235X

In re application of

Jean-Pierre LUGUERN, et al.

OFFICIAL

Appln. No. 08/941,236

Group Art Unit: 2663

Confirmation No.: Not Assigned

Examiner: A. Boakye

Filed: September 30, 1997

For: Congestion Control and Traffic Management System for Packet-Based Networks

PAPER(S) FILED ENTITLED:

1. Response to Advisory Action Mailed July 17, 2001

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DOCKET NO.: Q46923
ATTORNEY/SEC: DJC:kjc

Date Filed: July 20, 2001

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q46923

Jean-Pierre LUGUERN, et al.

OFFICIAL

Appl. No. 08/941,236

Group Art Unit: 2663

Confirmation No.: Not Assigned

Examiner: A. Boakye

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RESPONSE TO ADVISORY ACTION MAILED JULY 17, 2001Commissioner of Patents
Washington, D.C. 20231

Sir:

An office action was mailed February 14, 2000, in which the examiner failed to consider the complete response filed before that date, thereby failing to act on the claims as they stood at the time of the office action of February 14, 2000. A petition was filed August 14, 2000, requesting issuance of a new office action and also requesting a refund of the Notice of Appeal and Extension of Time fees that were necessary as of August 14, 2000, and which would not have been needed if the examiner had properly examined the case. In a telephone conference on November 14, 2000, examiner A. Boakye advised the undersigned that he would withdraw the office action of February 14, 2000 and issue a new office action. In a telephone conference again on December 15, 2000, the examiner advised the undersigned that he would issue a new office action.

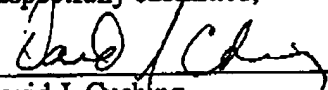
The undersigned has now received an Advisory Action which does not withdraw the office action of February 14, 2000, and does not withdraw the finality of the office action of

RESPONSE TO ADVISORY ACTION
USSN 08/941,236

February 14, 2000. Either or both of these actions are appropriate, and are again requested, so that there would be no time period running against applicant subsequent to the response filed by applicant on May 10, 2000.

The undersigned again further requests a Decision on the petition filed August 14, 2000 regarding a refund of the appeal and extension fees which would not have been due if the office action of February 14, 2000, or its finality, were withdrawn.

Respectfully submitted,



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